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PUBLIC HEALTH COMMITTEE **TESTIMONY**
By Stan Sorkin, President
Connecticut Food Association
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TESTIMONY IN OPPOSITION TO HB No. 6519: AN ACT CONCERING CONCERNING THE LABELING OF GENETICALLY-ENGINEERED FOOD

The Connecticut Food Association is the state trade association that conducts programs in public affairs, food safety, research, education and industry relations on behalf of its 240 member companies—food retailers, wholesalers, distributors, and service providers in the state of Connecticut. CFA's members in Connecticut operate approximately 300 retail food stores and 200 pharmacies. Their combined estimated annual sales volume of $5.7 billion represents 75% of all retail food store sales in Connecticut. CFA's retail membership is composed of independent supermarkets, regional firms, and large multi-store chains employing over 30,000 associates. Our goal is to create a growth oriented economic climate that makes Connecticut more competitive with surrounding states.

I am Stan Sorkin, President of the Connecticut Food Association. The Connecticut Food Association (CFA) is opposed to HB No. 6519: An Act Concerning the Labeling of Genetically-Engineered Food. The CFA agrees with the U.S. Food and Drug Administration (FDA) and numerous scientific bodies and regulatory agencies (World Health Organization, Food & Agriculture Organization of the United Nations, AmericanMedical Association) that foods and beverages that contain genetically engineered ingredients are safe and they are materially no different than products that do not contain genetically modified ingredients. The FDA oversees the use of biotechnology in food in collaboration with the U.S. Department of Agriculture and the U.S. Environmental Protection to ensure its safe use.

Labeling of products sold on an interstate basis should be regulated on a national level.

Mandatory state labeling of genetically-engineered foods is unnecessary public policy, and expensive for the state's farmers, retailers, and the state to implement while providing little benefit to consumers. Most likely, it is unconstitutional. I would like to make the following points:

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The Food and Drug Administration's (FDA) longstanding scientific judgment is that there is no significant difference between foods produced using bioengineering, as a class, and their conventional counterparts. FDA's scientific evaluation of genetically-modified foods

continues to show that these foods are as safe as their conventional counterparts. Moreover, mandatory labeling to disclose that a product was produced through genetic engineering does not promote the public health in that it fails to provide material facts concerning the safety or nutritional aspects of food and may be misleading to consumers. Requiring labeling for ingredients that don't pose a health issue would undermine both our labeling laws and consumer confidence.

The CFA supports voluntary labeling of genetically-modified foods. Voluntary labeling and marketing ensures consumer choice: Individuals who make a personal decision not to consume food containing biotech-derived ingredients can easily avoid such products. In Connecticut as well as throughout the United States, they can purchase products that are certified as organic under the USDA National Organic Program. They can also buy products which companies have voluntarily labeled as non-GMO. The FDA has published guidance to industry that voluntary labeling is permissible so long as the information is accurate, truthful and avoids misleading consumers about the food they are consuming. In short, a consumer can assume a food product is genetically-modified if it is not certified organic or voluntary properly non-GMO labeled.

Mandatory state labeling would be costly. If mandatory labeling became law in Connecticut, ensuring such labeling is accurate would put a huge burden on farmers, retailers, state regulatory agencies, and consumers. This is unnecessary given the opportunity for food producers to voluntarily label their products as "non-GMO."

- Costs to farmers could include the additional cost of identifying GMO modified products which the retailers would require, recording keeping, and potential legal costs.

- **The problem is that this law burdens the grocery retailer to be the watchdog on every label on every product from every manufacturer in our stores. If a label is legal and accurate to FDA or USDA standards and a supplier sells it in 49 other states based on Federal guidelines, how are we as retailers in Connecticut going to screen these products for accuracy on ingredients labeling, and keep them out of our stores.** Much of the time the sales force or brokers don't even know if a

product is clean, or has GMO's in an ingredient, or is gluten free, or is natural, or is organic from a scientific standpoint; they just read the label like anyone else; trusting the national standards to do this job. If the label is accurate and legal on a national level, but now not legal in Connecticut why is the retailer the guilty party?

- **Because of the control burden placed on the retailer, a retailer should not be liable for the failure to label a processed food** unless:
  (1) the retailer is the producer or manufacturer of the processed food; or
  (2) the retailer sells the processed food under a brand it owns, but the food was produced or manufactured by another producer or manufacturer.
  A retailer shall not be held liable for failure to label a raw agricultural commodity as required the bill, provided that the retailer was not informed by his supplier that the product was genetically modified.

- **Costs to retailers would include the high labor costs for identifying fresh products at the point of sale, the labeling of domestic and imported packaged products if manufacturers do not label according to a Connecticut specific law, record keeping, potential fines, potential legal costs, and more. At the time when the grocery industry is digesting the incremental labor costs of paid sick leave, potential minimum wage increases, the cost of federally mandated country of origin and nutritional labeling, this is not the time burden the industry with these new costs.**

- **Has the effect of this bill on the WIC program been considered?** WIC participants are the core consumers of baby food and cereal products in CT? By law, CT WIC vendors must have these products on hand at all times or else the vendor will lose their WIC license. Will stores be forced to remove authorized WIC products from the shelves if not labeled and deprive WIC participants of required nutrition and cause the loss of a stores' WIC license?

- **The cost to implement, control, and maintain the requirements of a CT specific law would be passed on to consumers. Based on similar legislation in California, it is estimated that a CT family could see its food cost increase $400 per year.**

- **Costs to the state and therefore taxpayers could include increased state administrative costs to monitor and enforce labeling requirements specified in the bill,** potential one-time state capital outlay costs for the construction of facilities to test the genetic material of certain food products, and the potential costs for the courts, the Attorney General, and district attorneys due to litigation resulting from possible violations to the provisions of this bill.

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Moreover, HB 6519 may be Unconstitutional. Requiring food companies to label their products when there is no health or safety reason to do so fails the substantial state interest test, undermines commercial free speech, most likely violates interstate commerce and is unconstitutional. In INTERNATIONAL DAIRY FOODS ASS'N v. AMESTOY, 92 F.3d 67 (1996) the court held food manufacturers could not be compelled to label dairy products as being made from the use of rBST (bovine growth hormone). “Consumer interest alone was insufficient to justify requiring a product's manufacturers to publish the functional equivalent of a warning about a production method that has no discernible impact on a final product. Accordingly, we hold that consumer curiosity alone is not a strong enough state interest to sustain the compulsion of even an accurate, factual statement.”

For the above reasons, we respectfully ask that the Committee vote NO on HB 6519.

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